

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 285. LODGING ESTABLISHMENTS**

"Unofficial Version"

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[Authority: 63 O.S. 1981, Section 1-1201]

[Source: Codified 12-31-91]

**SUBCHAPTER 1. GENERAL PROVISIONS**

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**310:285-1-1. Purpose**

The rules in this Chapter implement the Lodging Establishment Statute, 63 O.S. Supp. 1990, Section 1-1201 et seq.

**310:285-1-2. Definitions**

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Commissioner"** means the State Commissioner of Health and/or authorized representatives or designated agents thereof.

**"Employee"** means the permit holder, individuals having supervisory or management duties and any other person working in a lodging establishment whose duties include the cleaning of rooms, toilets, linens, utensils, or any part of the building or the rendering of any service to guests.

**"Food"** means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

**"Housekeeper's cart"** means a vehicle which is used to transport cleaning materials, room supplies, clean and soiled linens and refuse.

**"Law"** means state statutes and rules.

**"Lodging facility"** means and includes any hotel, motel, tourist court, apartment house, rooming house or other place where sleeping accommodations are furnished or offered for pay for transient guests, if four (4) or more rooms are available therein for transient guests.

**"Person"** means any individual, partnership, corporation, association, or other legal entity.

**"Person in charge"** means the individual present in a lodging establishment who is the supervisor of the lodging establishment at the time of inspection. If no individual is the supervisor, then any employee present is the person in charge.

**"Sanitization"** means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens to a safe level as determined by applicable state and federal requirements on utensils and equipment.

**"Single-service articles"** means cups, containers, lids, closures, knives, forks, spoons, stirrers, paddles, straws, wrapping materials, and similar utensils intended to be discarded after one use.

**"Transient guest room"** means any room which is offered for occupancy on a daily basis.

**"Utensil"** means any multi-use or single service implement used in the storage, preparation, transportation, or service of ice, beverage, or other food.

### **310:285-1-3. Captions**

Section tag lines and subsection tag lines are part of the rules of this Chapter.

### **310:285-1-4. Severability**

If any provision or application of any provision of the rules in this Chapter is held invalid, that invalidity shall not affect other provisions or applications of the rules in this Chapter.

## **SUBCHAPTER 3. FACILITY MAINTENANCE**

### Section

- 310:285-3-1. Facility maintenance
- 310:285-3-2. Plumbing
- 310:285-3-3. Electrical
- 310:285-3-4. Light
- 310:285-3-5. Safety
- 310:285-3-6. Toilet facilities
- 310:285-3-7. Refuse storage and disposal
- 310:285-3-8. Premises
- 310:285-3-9. Vermin control
- 310:285-3-10. Restriction of animals and fowl
- 310:285-3-11. Swimming pools/spas
- 310:285-3-12. Sewage
- 310:285-3-13. Water
- 310:284-3-14. Food service

### **310:285-3-1. Facility maintenance**

All buildings and appurtenances used in the operation of any lodging establishment shall be maintained as necessary to safeguard the health, comfort and safety of guests accommodated therein.

**310:285-3-2. Plumbing**

Plumbing shall be maintained in a safe manner and according to the Oklahoma Plumbing License Act. There shall be no apparent cross-connection between the potable water supply and any nonpotable or questionable water supply nor any source of pollution through which the potable water supply might become contaminated.

**310:285-3-3. Electrical**

The electrical distribution system shall be maintained in a safe manner, and according to the Oklahoma Electrical Licensing Act.

**310:285-3-4. Light**

Lighting shall be provided to promote cleanliness and safety. Each lodging unit shall maintain at least one lighting fixture suitable for reading.

**310:285-3-5. Safety**

(a) **Fire extinguishers.** Fire extinguishers shall be maintained in working order at all times as indicated by the manufacturer's recommendation and as certified by the State Fire Marshall.

(b) **Smoke detectors.** A smoke detector must be maintained in working order at all times in each guest room as required by the State Fire Marshall. Failure to do so will result in a referral to the State Fire Marshall.

(c) **Fire escapes.** All fire escapes shall be maintained in good repair, unobstructed and easily accessible at all times.

**310:285-3-6. Toilet facilities**

(a) Ventilation in guest room toilet and bathroom areas shall be maintained.

(b) All toilet and bathroom areas shall have impervious floor surfaces. Carpet may be used as a covering over the impervious floor construction. When used, carpeting shall be maintained in a clean condition and in good repair. If carpeting is removed from the toilet and bath areas it shall not be replaced.

(c) All toilets and/or bathrooms shall be kept clean and in good repair.

(d) All lodging establishments shall provide toilet facilities and lavatories on each floor for use by guests of establishments with rooms without private toilet facilities.

**310:285-3-7. Refuse storage and disposal**

(a) All refuse shall be stored and handled in a safe and sanitary manner. All outside refuse storage areas shall either be enclosed or outside containers shall be covered. Storage areas and containers shall be kept clean and in good repair.

(b) At least one nonperforated metal or plastic waste basket shall be provided for each room.

**310:285-3-8. Premises**

The premises of all lodging establishments shall be adequately drained and kept clean and free from high weeds and refuse.

**310:285-3-9. Vermin control**

Effective methods of vermin control shall be provided for all buildings and appurtenances thereto. Premises shall be kept free of conditions conducive to harborage and infestation at all times.

**310:285-3-10. Restriction of animals and fowl**

The keeping of animals or fowl in a sleeping room may be permitted by the lodging facility. Each room occupied by any animal or fowl must be adequately cleaned, including wet scrubbing of carpet if need is indicated and appropriate application of approved pesticides, to assure that the room is clean and free of insect infestation and presents no evident health hazard from pesticide residue to subsequent occupants.

**310:285-3-11. Swimming pools/spas**

All public bathing places, even if use is restricted to guests of the lodging establishment, shall be maintained in compliance with standards and rules and regulations adopted by the Oklahoma State Board of Health.

**310:285-3-12. Sewage**

All sewage shall be disposed of by a public sewage system or by a sewage disposal system maintained in compliance with the standards and rules and regulations adopted by the Oklahoma State Board of Health.

**310:285-3-13. Water**

Potable water shall be obtained from a public water supply or from a source maintained in compliance with the standards and rules and regulations adopted by the Oklahoma State Board of Health.

**310:285-3-14. Food service**

(a) Food service, if provided, shall be limited under a lodging license. The products shall be limited to the following:

- (1) Coffee;
- (2) Tea;
- (3) Fruit juices;
- (4) Carbonated beverages. Beverage dispensers may be used if the source of ice for the dispenser is automatic dispensing;
- (5) Fresh uncut fruits, fruits that are processed in a regulated facility;
- (6) Baked goods;
- (7) Cereals;
- (8) Jams, jellies, syrups;
- (9) Pasteurized Grade A milk;
- (10) Pasteurized Grade A creams and butters, non-dairy creamers, margarines, or products of similar nature;
- (11) Commercially produced hard cheeses, commercially

processed cream cheese, commercially processed yogurt;

(12) Except for (9), Potentially hazardous foods commercially packaged in individual servings;

(13) Bulk or individual waffle mixes from a commercial producer that is regulated by a food regulatory agency and is certified to be non-potentially hazardous.

(14) Gravy in bulk form from a commercial producer that is regulated by a food regulatory agency and is certified to be non-potentially hazardous.

(b) Equipment required to conduct food service under a lodging license shall consist of at least the following:

(1) 2 compartment sink or domestic dish machine (not located in living or tenant quarters) dedicated solely to the cleaning of utensils and equipment used in the food service operation, if the facility uses multi-use utensils in the operation. Multi-use tableware shall not be used. If bulk gravy or waffle mix is provided a NSF (National Sanitation Foundation) or equivalent two compartment warewashing sink shall be provided. Warewashing is limited to a batch operation and performed in accordance with OAC 310:256 7-51, Food Service Establishment Regulations;

(2) Handwash sink separate from the 2 compartment sink (a restroom sink located conveniently to the food service operation can be used to meet this requirement) unless bulk gravy or bulk waffle mix is provided. Preparation or service of bulk gravy or bulk waffle mix requires a handwashing sink be provided in the food preparation area;

(3) Facilities which are currently providing products in (b)(1) and (2) must comply with the handwashing sink requirement within 24 months of adoption;

(4) A refrigerator that is capable of holding 41 degrees Fahrenheit;

(5) Sneeze guards and covers for self-service foods that are not protected;

(c) Milk, milk products, and juices removed from the original container for dispensing or consumption must be discarded after the food service has ended.

(d) Lodging establishments providing any other type of food service in lodging facilities must obtain a food service license from the department and shall comply with the requirements of Oklahoma Administrative Code Chapter 310:256, Food Establishments.

[Source: Amended at 19 Ok Reg 2916, eff 7-26-2002 (emergency); Amended at 20 Ok Reg 1181, eff 5-27-2003; Amended at 21 Ok Reg 1284, eff 5-27-2004]

## SUBCHAPTER 5. SANITARY OPERATIONS AND CONTROLS

Section

310:285-5-1. Ice

310:285-5-2. Laundry

310:285-5-3. Housekeeper cart

310:285-5-4. Furniture, beds, bedding, linens and soap

310:285-5-5. Cleaning and bactericidal treatment of utensils

310:285-5-6. Employees

**310:285-5-1. Ice**

(a) **Equipment.** Ice provided to customers shall be manufactured with equipment that meets design, construction, installation and service requirements which comply with the State Board of Health Food Service Establishment Regulations. The following shall be considered approved methods for dispensing of ice.

(b) **Customer self-service.**

(1) Automatically dispensed ice which eliminates human contact with the ice other than that portion being dispensed may be used provided the equipment conforms to the installation and operation requirements of the Oklahoma State Board of Health Food Service Regulations. Automatic ice dispensing equipment shall be installed when existing machines are replaced.

(2) Customer self-service of ice is approved from an on premises ice making or ice storage machine or device, or approved combination machine or device, provided such machine or device has been installed in such a manner as to not expose the ice storage compartment to the elements of weather, and in such location as to be under surveillance by the motel manager or his employees or must be located in a protected or enclosed hallway, or in a room and provided such machine was installed and approved prior to April 18, 1985, or as provided in (d) of this section.

(3) Ice containers may be placed in the guest room or made available at the registration desk, or other location under the direct continuous control of the employees. Ice scoops must be provided and properly stored in a protected place. Multi-use containers must be constructed of smooth, non-porus materials which must be cleaned and sanitized before being offered to the customer. Containers may be lined with approved single-service plastic film liners.

(c) **Operator-dispensed ice.** Ice dispensed by the operator or his employees shall be obtained from a Licensed manufacturer, or from an ice machine installed in a protected location, and the ice must be dispensed into a sanitized container.

(d) **Pre-packaged ice.** The motel operator may purchase bulk ice from a Licensed manufacturer for packaging in individual containers, or may provide an on-premises machine, or ice may be obtained pre-packaged from a Licensed manufacturer. Pre-packaged ice obtained from a manufacturer in individual service size shall be offered to the consumer in its original, unbroken, entire package.

(e) **Other methods.** Any other method that provides for

manufacture, storage and dispensing or serving of ice may be offered if it can be established that such method complies with OAC 310:255, Food Service Establishment Regulations of the Oklahoma State Board of Health.

### **310:285-5-2. Laundry**

(a) **Physical arrangement.** Those lodging establishments electing to provide their own laundry shall comply with the following provisions:

(1) The physical arrangement of the laundry facility shall include a laundry area for receiving and handling soiled laundry, a washing and extracting area, a finishing area (where the laundry is dried, tumbled, ironed, pressed or folded) and a clean article storage area.

(2) Floors, walls, ceilings, pipes and equipment must be kept clean and free of dirt or grease.

(3) Laundry chutes, if used, shall discharge soiled linens into a suitable covered container.

(b) **Laundry storage.**

(1) All washable items, when laundered, shall be stored in the clean laundry area, or in a guest room.

(2) Clean linens shall be stored separate from the "soiled laundry area".

(3) Soiled laundry containers shall be lined with a disposable plastic liner or shall be cleaned daily.

### **310:285-5-3. Housekeeper cart**

The housekeeper cart shall be so arranged that clean replacement supplies, clean linens and cleaned and sanitized multi-use equipment and utensils shall be protected from soiled items being removed from each room. Soiled linens and refuse shall be placed in appropriate containers if placed on the housekeepers cart.

### **310:285-5-4. Furniture, beds, bedding, linens and soap**

(a) **Furnishings.** All furniture, windows, shades, draperies, floors, and floor coverings, walls, ceilings, toilet bowls, lavatories, bath tubs, shower stalls and other equipment and appurtenances must meet standards of good repair and are to be kept clean.

(b) **Beds, bedding and linens.**

(1) All beds, springs, mattresses, bedding and linens, shall be in good repair and kept clean.

(2) A minimum of two sheets and one mattress cover of appropriate size shall be provided for each bed. A pillow cover and a pillow case, must be provided for each pillow. Mattresses and pillows appearing soiled or stained shall be subjected to a cleaning and sanitizing process, or removed from service. Such items found in service shall be ordered removed from service and shall be returned to service only after cleaning and sanitizing and upon approval of the Health Department.

(c) **Service.**

(1) Individual towels and soap shall be provided in each

toilet facility.

(2) All sheets, pillow cases, towels and bar soap shall be changed after each occupancy.

### **310:285-5-5. Cleaning and bactericidal treatment of utensils**

#### **(a) Multi-use utensils.**

(1) All unwrapped multi-use utensils shall be removed from the room after each occupancy for cleaning and sanitizing.

(2) All multi-use utensils shall be in good condition.

(3) Multi-use utensils shall be washed, rinsed, and sanitized after each use.

(4) To prevent cross-contamination multi-use utensils shall be washed, rinsed, and sanitized after each use and following any interruption of operations during which time contamination may have occurred.

(b) **Single-service utensils.** Single-service utensils shall be used only once, purchased only in sanitary containers, stored therein in a clean dry place until needed, and handled in a sanitary manner.

(c) **Manual cleansing and sanitizing.** Existing facilities for manual washing and sanitizing of multi-use utensils shall include a sink with not fewer than two (2) compartments. The two-compartment sink used for washing equipment and utensils shall not be used for handwashing. Sink compartments shall be large enough to permit the accommodation of the equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water.

(d) **Mechanical cleansing and sanitizing.** Cleaning and sanitizing may be done by mechanical dishwashing machines provided that:

(1) The dish temperature reaches 170° during the final rinse;

(2) The dish is sanitized with chlorine at a concentration of 50 ppm and a water temperature of at least 75° after cleaning and rinsing;

(3) Immersion in a clean solution containing any other sanitizing agent allowed under 21 CFR 178.1010.

(4) Adequacy of the sanitizing cycle will be determined by the generally accepted test method.

### **310:285-5-6. Employees**

(a) No person known or suspected of being infected with a disease in a communicable form, or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a lodging facility in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. Such areas include but are not limited to the food establishment, the guest room, the laundry room and the room in which multi-use utensils are cleaned, sanitized and stored.

(b) Clean outer garments shall be worn and good personal hygiene shall be practiced by all employees.

## SUBCHAPTER 7. NEW CONSTRUCTION

### Section

310:285-7-1. General building requirements

310:285-7-2. Submission of plans

310:285-7-3. Pre-operational inspection

### **310:285-7-1. General building requirements**

(a) **Compliance.** In addition to complying with the aforementioned regulations, new, converted, and remodeled lodging establishments shall also comply with the following. Lodging facilities newly constructed after the effective date of these rules shall comply with requirements of the National Fire Protection Association Life Safety Code 101 as adopted and administered by the State Fire Marshall and shall be in compliance with the Building Officials and Code Administrators Building Code or applicable local ordinances.

(b) **Plumbing.** Plumbing constructed after the effective date of these rules shall be installed in compliance with the Building Officials and Code Administrators Plumbing Code or applicable local ordinances.

(c) **Electrical.** Portions of the electrical system constructed, repaired or replaced after the effective date of the effective date of these rules shall be installed in compliance with the current edition of the National Electrical Code.

(d) **Ventilation.** There must be a forced air vent or window that can be opened to provide ventilation of all guest rooms. Windows must be screened and the screen must be removable if provided in place of ventilated heating and cooling.

(e) **Safety.**

(1) **Fire extinguishers.** Fire extinguishers shall be provided as required by the State Fire Marshall.

(2) **Fire escapes.** Fire escapes shall be marked with a colored lighted sign. Conspicuous directions to all fire escapes shall be posted in all hallways or walkways.

(f) **Water.** Potable water for the needs of the lodging establishment shall be obtained from a public water supply or from a source constructed and operated according to the standards and rules and regulations adopted by the Oklahoma State Board of Health.

(g) **Sewage.** All sewage shall be disposed of by a sewage disposal system constructed and operated according to the standards and rules and regulations adopted by the Oklahoma State Board of Health.

(h) **Toilet facilities.** Toilet and bath areas containing water closets, showers, and/or tubs shall have impervious floor surfaces. Carpet is prohibited in the toilet and bath areas. If carpeting is used in lavatory areas it shall be closely woven and maintained in clean condition and in good repair.

(i) **Swimming pools/spas.** All public bathing places shall be constructed according to the standards and rules and regulations

of the Oklahoma State Board of Health.

(j) **Food service.** Any food service in existing and new lodging facilities shall comply with the standards and rules and regulations of the Oklahoma State Board of Health.

(k) **Laundry.** All laundry rooms shall comply with Section 310:285-5-2. Handwashing facilities shall be provided in the laundry.

(l) **Multi-use utensils.**

(1) A room separate from the laundry shall be provided for washing, rinsing and sanitizing multi-use utensils.

(2) Dishwashing facilities shall comply with the Rules and Regulations for Food Establishments adopted by the Oklahoma State Board of Health.

(3) Handwashing facilities shall also be provided.

(m) **Ice.** Automatic ice dispensing equipment shall be installed in establishments constructed after April 18, 1985 and shall comply with the provisions in 310:285-5-1.

### **310:285-7-2. Submission of plans**

After the effective date of these rules, all new facilities must be constructed in compliance with these rules and all other rules that pertain to the construction and operation of these facilities. Therefore, applicants for licenses should submit to the Oklahoma State Department of Health plans for construction, conversion, or extensive remodeling of facilities intended to be licensed as lodging establishments before such activities are begun.

### **310:285-7-3. Pre-operational inspection**

The Oklahoma State Department of Health shall inspect new, converted, and extensively remodeled lodging establishments to determine compliance with the requirements of these rules and regulations, and the Department will consult with the owner with respect to methods of insuring compliance with these requirements.

## SUBCHAPTER 9. COMPLIANCE PROCEDURES

### Section

- 310:285-9-1. General
- 310:285-9-2. Issuance of license
- 310:285-9-3. Access
- 310:285-9-4. Suspected infection
- 310:285-9-5. Emergency occurrences

### **310:285-9-1. General**

No person shall operate a lodging establishment who does not have a valid license issued to such person by the Oklahoma State Department of Health pursuant to Title 63 O.S. 1981, Sections 1-1201 and following. Only a person who is in substantial compliance with the requirements of this Chapter shall be entitled to receive or retain such a license. Licenses are not transferable. A valid license shall be posted in every lodging establishment.

### **310:285-9-2. Issuance of license**

(a) Any person desiring to operate a lodging establishment shall make written application for a license on forms provided by the Oklahoma State Department of Health. The applicant shall be the legal owner of the business. Such application shall include the name and address of each applicant, the location and type of the proposed lodging establishment, and the signature of each applicant or his authorized agent.

(b) The Oklahoma State Department of Health may seek administrative remedies against any lodging establishment which is not in substantial compliance with this Chapter.

(c) A lodging establishment license shall expire one year from the date of its issuance unless canceled or revoked prior to its expiration. For purposes of determining the expiration date of all licenses under this Chapter, the date of issuance shall be deemed to be the date that an approved application for licensure is first issued by a duly authorized representative of the Health Department.

[Source: Amended at 9 Ok Reg, eff 5-1-92]

### **310:285-9-3. Access**

Representatives of the Oklahoma State Department of Health, after proper identification, shall be permitted to enter any lodging establishment at any reasonable time for the purpose of making inspections to determine compliance with these rules and regulations.

### **310:285-9-4. Suspected infection**

When the Oklahoma State Department of Health has reasonable cause to suspect possible disease transmission by an employee of a lodging establishment, the Department may secure a morbidity

history of the employee or make any other investigation as indicated and shall take appropriate action. The Oklahoma State Department of Health may require at a minimum any or all of the following measures:

- (1) The immediate exclusion of the employee from employment in lodging establishments;
- (2) The immediate closing of the lodging establishment concerned until no further danger of disease outbreak exists;
- (3) Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;
- (4) Adequate medical and laboratory examination of the employee and other employees and of his and their body discharges.

**310:285-9-5. Emergency occurrences**

Each lodging facility is to be operated in a safe and sanitary manner. The person in charge of a lodging establishment that is affected by a fire, flood, extended power outage, or a similar significant occurrence that creates a reasonable probability that the establishment may have been rendered unsafe or hazardous to its occupants, shall take such action as is necessary to protect the public health and shall promptly notify the Oklahoma State Department of Health of the emergency. The Commissioner of Health or an authorized representative may take such action pursuant to the Public Health Code as is necessary to protect the public health.